THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 16029 of 2007

Date: 27.07.2007

Between:

G. Bala Pakeeraiah and another.

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PETITIONERS

AND

The Central Power Distribution Company of A.P.Ltd., rep. by its Chairman & Managing Director, Corporate Office at, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.16029 of 2007

Order:

Questioning the action of the 3rd respondent in rejecting the claim of the petitioners for appointment to the post of Junior Lineman on yearly contract basis, vide letter dated 07.07.2007, the present writ petition is filed.

2. The petitioners, who are working as contract labour in the respondent-APCPDCL, applied for the posts of Contract Junior Linemen on yearly contract basis in response to the notification issued by the respondent-APCPDCL. They state that when the respondent-APCPDCL did not issue call letters to them, they filed W.P.No.10737 of 2007, and this Court, pending disposal of the writ petition, passed an interim order in W.P.M.P. No.13491 of 2007 directing the respondent-APCPDCL to permit the petitioners to appear for interview subject to the condition that the petitioners shall satisfy the eligibility criteria contained in the employment notification, and the selections of the petitioners, if any made shall be subject to further orders in the writ petition. Pursuant to the said interim directions, the respondent-APCPDCL permitted the petitioners to participate in the selection process and pole-climbing test. The grievance of the petitioners is that though they are

having requisite qualification and experience, and performed well in the tests conducted by the respondents, the respondents have not selected them, and the action of the respondent-APCPDCL in rejecting their claim for appointment to the post of Junior Lineman on yearly contract basis on the ground that they are not existing contract labour, vide impugned letter, is illegal and arbitrary. Hence, the petitioners filed the present writ petition.

3. The learned counsel for the petitioners submitted that out of 204 vacancies of Junior Lineman, so far 160 posts have been filled up, and still there are 44 more vacancies existing as on today, and the respondents are proceeding to fill up those vacancies also. He further submitted that the petitioners are entitled for consideration for appointment in those existing vacancies as fresh candidates and the respondents may be directed to appoint the petitioners as Junior Lineman in the said existing vacancies.

4. On the other hand learned Standing Counsel for the respondent-APCPDCL submits that since the regular selection process of existing contract labour is not yet completed, the respondents cannot consider the cases of the petitioners.

5. As per the Notification dated 07.06.2006, and the revised notification dated 20.10.2006, if the existing contract labours and fresh candidates apply, the pole climbing test will be conducted at the first instance to the existing contract labour, and after filling up the vacancies by the existing contract labour, if any vacancies remain unfilled, the same will be offered to the fresh candidates as per the marks obtained by them in the qualifying examination. In this case, the petitioners are not existing contract labour, so, their

claim for appointment to the post of Junior Lineman on yearly contract basis, has to be considered as fresh candidates only after exhaustion of the existing contract labour. Even though the petitioners were subjected to pole climbing test, their cases for appointment were rejected as they are not existing contract labour. Now the contention of the petitioners is that still there are vacancies and the respondents are taking steps to fill up those vacancies.

6. Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with the following directions:

If any vacancies remained unfilled after exhausting the existing contract labour, the respondent-APCPDCL, as provided by the notification, is directed to consider the cases of the petitioners for appointment as Contract Junior Linemen in the vacancies that remained unfilled, duly following the rule of reservation, if they are otherwise qualified.

7. With the above direction, the Writ Petition is disposed of. No costs.

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N.V. RAMANA, J.

Dated:25.07.2007.
sj